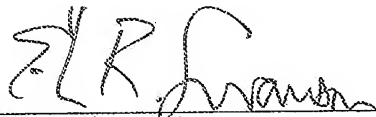


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 20811/0204770-US0
	Application Number 10/797,382-Conf. #3246	Filed March 10, 2004
	First Named Inventor Marian Trinkel et al.	
	Art Unit 2626	Examiner Jakieda R. Jackson
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>		
<p>I am the</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p><input type="checkbox"/> applicant /inventor:</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,833</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> </div> <div style="width: 35%; text-align: center;">  _____ Signature Erik R. Swanson _____ Typed or printed name (212) 527-7700 _____ Telephone number January 13, 2010 _____ Date </div> </div>		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marian Trinkel et al.

Application No.: 10/797,382

Confirmation No.: 3246

Filed: March 10, 2004

Art Unit: 2626

For: METHOD AND SYSTEM FOR CREATING
SPEECH VOCABULARIES IN AN
AUTOMATED MANNER

Examiner: Jakieda R. Jackson

REASONS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 13, 2010

Dear Sir:

In accordance with the Pre-Appeal Brief Conference Program, Applicants hereby respectfully request a pre-appeal brief panel review of the Final Office Action mailed September 16, 2009 and the Advisory Action mailed December 9, 2009 in the above-identified patent application. The present Request is filed concurrent with the filing of a Notice of Appeal, payment of the appropriate fees, and before the filing of an Appeal Brief. No amendments are being filed with this request. Review is requested for the following reasons:

**I. THE RESPECTIVE COMBINATIONS OF DE JONG, CHALLENGER, PERLMAN,
AND WINIGER FAIL TO RENDER ANY CLAIMS OBVIOUS**

[A] Background

Claims 1, 3 and 7-17 are pending in the present application. Claims 1, 3, 7-11 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,185,530 of Ittycheriah et al. ("Ittycheriah") in view of U.S. Patent No. 5,835,667 of Wactlar et

al. ("Wactlar"). Claims 12-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ittycheriah in view of U.S. Patent No. 6,363,348 of Besling et al. ("Besling").

Independent claim 1 of the present application recites training a speech recognition system "by acoustic training using an audio module" by "providing the audio module with vocabulary data in a streaming mode from a telecommunication network." Independent claim 16 recites "a computer-based audio module including a speech synthesis unit configured to receive speech data in a streaming mode from a telecommunication network" wherein "the speech data is spoken into the vocabulary database in an automated manner using the audio module so as to expand the vocabulary database."

The Advisory Action states that Wactlar's

entire process is done to permit continuous stream of media of expanding dictionaries (column 9, lines 5-26 with column 16, lines 34-52). In summary Wactlar's invention allows for . . . a continuous stream of vocabulary data to be sent to a computer (audio module) for data expansion.

Advisory Action, Continuation Sheet, continuation of item 11.

[B] The Combination of Ittycheriah and Wactlar Fails to Teach or Suggest Training or Expanding a Speech Recognition System by Providing an Audio Module with Streaming Vocabulary Data from a Telecommunication Network, as Recited in Claims 1 and 16

The September 16, 2009 Final Office Action acknowledges that Ittycheriah fails to "teach providing an audio module with vocabulary data in a streaming mode from a telecommunication network," but relies on Wactlar as describing this claimed feature. September 16, 2009 Final Office Action, Detailed Action, pages 2-6, item 4.

Wactlar describes that an offline portion 12 receives raw video material 16 comprising audio data 18 and video data 20 to create a digital library 36. Wactlar describes delivering content from the digital library 36 via an online portion 14. Wactlar, column 6, lines 12-18, 50-54; Fig. 1. Wactlar, at column 16, line 33-column 17, line 13, merely describes a

network architecture 80 that delivers the content to end users from the digital video/audio archive 82. The audio data 18 of Wactlar is used offline (not in a streaming mode) to create digital library 36.

The Final Office Action states Wactlar discloses (i) a digital library includes audio data (column 6, lines 40-54); (ii) a continuous stream network is in a library system (column 16, line 33 – column 17, line 13); (iii) “[t]his is all done to expand the vocabulary and provide valuable additions (column 9, lines 5-16)”; and (iv) “[i]t is noted that there is an audio data 18 and 40.”

It is respectfully submitted that the Office Action has combined unrelated, disparate portions of Wactlar that do not teach or suggest providing an audio module with vocabulary data in a streaming mode from a telecommunication network, as required by claims 1 and 16. With regard to Wactlar’s disclosure of streaming network data identified in the Office Action (Wactlar, column 16, line 33-column 17, line 13), it is respectfully submitted that Wactlar is describing a network architecture 80 for delivery of continuous video to end users from a digital video/audio archive 82. Wactlar’s continuous video is not vocabulary data provided to an audio module, as required by claims 1 and 16. The audio data 18 identified by the Examiner is used in Wactlar offline to create digital library 36. Wactlar, column 6, lines 12-18, 50-54; Fig. 1. The audio data 18 is not provided “in a streaming mode,” as required by claims 1 and 16.

Accordingly it is respectfully submitted that neither Ittycheriah and Wactlar, singly or in combination, teach, or suggest, training a speech recognition system “by acoustic training using an audio module” by “providing the audio module with vocabulary data in a streaming mode from a telecommunication network,” as recited in claim 1. Nor teaches or suggests “a computer-based audio module including a speech synthesis unit configured to receive speech data in a streaming mode from a telecommunication network” wherein “the speech data is spoken into the vocabulary database in an automated manner using the audio module so as to expand the vocabulary database,” as recited in independent claim 16. In contrast, Wactlar

merely describes delivery of continuous video to end users from a digital video/audio archive 82, and the use of audio data 18 offline to create a digital library 36.

Nor does Besling teach or suggest the features of claims 1 and 16 demonstrated above to be missing from Ittycheriah and Wactlar. Accordingly, any combination of Ittycheriah, Wactlar, and Besling, to the extent proper, could not render independent claims 1 and 16, or dependent claims 3, 7-11, 14-15 and 17, obvious.

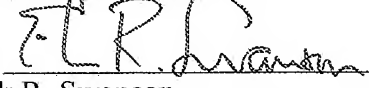
CONCLUSION

For the foregoing reasons, Applicants respectfully request a review of the rejection of all of the pending claims, and the withdrawal of these rejections under 35 U.S.C. § 103(a).

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

Dated: January 13, 2010

Respectfully submitted,

By 
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